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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,018

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Shun Yoshiya

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

LOPEZ, RICARDO E.

ART UNIT

PAPER NUMBER

1786

MAIL DATE

DELIVERY MODE

05/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,018	Applicant(s) YOSHIYA, SHUN	
	Examiner RICARDO E. LOPEZ	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Amendments and Accompanying Remarks filed on April 15, 2010 has been entered and carefully considered. Claims 1 - 7 are pending in this application. Claims 2, 3 and 5 were withdrawn from further consideration in previous Office Action as being drawn to a nonelected invention.

In view of amendment, the Examiner has withdrawn the rejection of claims 1, 4, 6 and 7 under 35 U.S.C. 112, ¶2, and the rejection under 35 U.S.C. 103 (a) over Endo JP- 63085113 U in view of Abe JP-10313920 A as detailed in the Office Action dated January 15, 2010. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo JP- 63085113 U in view of Abe JP-10313920 A and further in view of Ooide US 2003/0154742 A1.

4. Considering claims 1, 4, 6 and 7, Endo teaches in the embodiment of Fig. 1 an ornament bead comprising a pair of insert holes 1 and 2 and an extract hole 3. These three holes extend and communicate each other at the center of the bead. The three holes intersect at 120 degree angle each other, like a Y shape. In the embodiment illustrated in Fig. 2, Endo teaches the use of a grinding tool 5 that can be inserted to each hole to cut off each vertex portion of the included angle formed in the spherical body between the two holes (Abstract). Furthermore, Endo also teaches in the embodiment illustrated in Fig. 1 that the ornament comprises a string 12 as a support member for the beads, wherein each end of string 12 is inserted to each hole 2 and both ends are extracted from extract hole 3.

Endo does not teach that the support member be a wire, neither does it teach the use of a reinforcing cylindrical members that are fixedly disposed in the opening sections with enlarged diameters.

Abe teaches a method for manufacturing beaded necklace comprising the step of fixedly disposing a joining material to the end of the through holes in each bead. The joining material comprises a flange that is attached to the surface of the bead in the

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through hole periphery. As illustrated in Fig 1 the flange end in Abe's joining member has larger diameter than the opposite end, thus meeting the limitation in the amended subject claims. The beads are connected together by inserting a string, i.e. wire through the holes of the beads. The wire is not in direct contact with verge of opening of each through hole. Furthermore, Abe also teaches that with the described configuration, the beads will never loose luster since their surfaces never rub mutually (Derwent Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the beads structure of Endo with the joining material and wire support element of Abe in order to fabricate strung ornaments with beads so that the beads will never loose luster since their surfaces never rub mutually.

Endo in view of Abe does not teach that the enlargement of the diameters is such that a step is formed between the distal end section having the larger diameter and the non-distal section having the smaller diameter.

Ooide teaches a jewel and a personal ornament which can be securely attached to a string-form member or pedestal with a stable frictional force, and which can be easily removed from such a string-form member or pedestal [0008].

In the embodiment illustrated in FIG. 14, Ooide teaches a jewel or personal ornament comprising hole 6, which opens at the surface of the base body 51. In this embodiment, the hole 6 is a hole that passes entirely through the base body 51. The hole 6 shown in the figure has a structure that passes rectilinearly through the base body 51. The hole may also have a structure that passes through the base body so that

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the hole bends inside the base body, unlike the structure shown in the embodiment illustrated in the figure [0057].

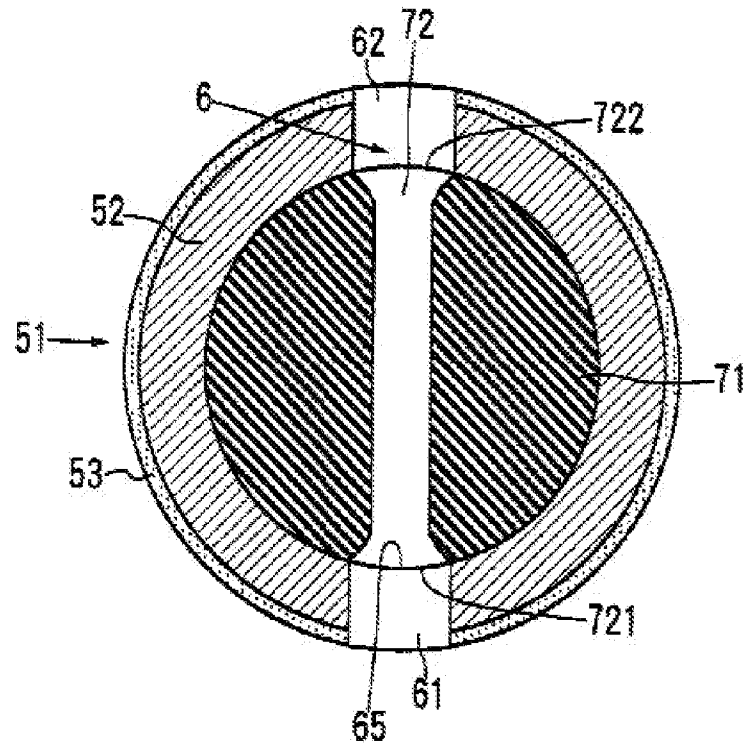


FIG. 14

Furthermore, Ooide teaches that The hole 6 includes first hole parts 61 and 62, and a second hole part 65. The hole 6 shown in the figure has two first hole parts, i.e., first hole parts 61 and 62. The first hole parts 61 and 62 open at the surface of the base part 51. The internal diameters of the first hole parts 61 and 62 are respectively designated as D1 and D2. The first hole parts 61 and 62 shown in the figure have a substantially cylindrical shape, and one or the two bottom surfaces of the cylinders

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opens at the surface of the base body 51. The internal diameters D1 and D2 of the first hole parts 61 and 62 are the internal diameters of the cylinders that constitute the first hole parts 61 and 62. In the case of a base body 51 consisting of a pearl, the first hole parts 61 and 62 pass through the pearl layer 53 and reach the matrix material 52 [0058], thus forming a step between the distal end section having the larger diameter and the non-distal section having the smaller diameter.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the beads structure of Endo with the joining material and wire support element of Abe in order to fabricate strung ornaments with beads so that the beads will never loose luster since their surfaces never rub mutually; and to combine Endo in view of Abe's ornament with Ooide's hole design when it is desired to provide an ornament that can be easily removed from a string-form member or pedestal.

Response to Arguments

5. The amendment filed on April 15, 2010 has been entered. In view of amendment, the Examiner has withdrawn the rejection of claims 1, 4, 6 and 7 under 35 U.S.C. 112, ¶2, and the rejection under 35 U.S.C. 103 (a) over Endo JP- 63085113 U in view of Abe JP-10313920 A as detailed in the Office Action dated January 15, 2010.

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6. Applicant's arguments with respect to claims 1, 4, 6 and 7 have been considered but are moot in view of new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO E. LOPEZ whose telephone number is (571)-270-1150. The examiner can normally be reached on Monday to Thursday 8:00 am-5:30pm EST, and every other Friday from 8:00 am to 4:30 pm..

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on (571)-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/
Primary Examiner, Art Unit 1786

/REL/
Ricardo E. Lopez
Patent Examiner, Art Unit 1786
April 30, 2010